

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUY-YING CHEN,

Plaintiff,

v.

KING COUNTY SHERIFF'S OFFICE et
al.,

Defendants.

CASE NO. C21-1492-LK

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge S. Kate Vaughan. Dkt. No. 18. Judge Vaughan recommends that the Court deny Mr. Chen's motion to enforce removal to Bankruptcy Court, Dkt. 15. *See* Dkt. No. 18 at 5.

Huy-Ying Chen, who is proceeding pro se, filed this action under 42 U.S.C. § 1983 against the King County Sheriff's Office and Hugo Esparza, alleging that they violated his Fourteenth Amendment rights when preparing, filing, and recording a void sheriff's deed, resulting in the foreclosure sale of his home. *See* Dkt. 1. Subsequently, in April 2022, Mr. Chen filed a voluntary petition for bankruptcy under Chapter 13 of Title 11 in the United States Bankruptcy Court for the

1 Western District of Washington (“Bankruptcy Court”), *see In re Chen*, No. 22-10615-CMA (W.D.
2 Wash 2022), Dkt. No. 1, and a notice of removal in Bankruptcy Court, seeking to remove this case
3 under 28 U.S.C. § 1452 on the ground that it contains “core and non-core” bankruptcy matters, *see*
4 *Chen v. King Cnty. Sheriff’s Off.*, No. 22-01019-CMA (W.D. Wash. 2022) (“Bankruptcy Case”),
5 Dkt. No. 1 at 3. Following a show cause hearing, the Bankruptcy Court remanded the Bankruptcy
6 Case to this Court and dismissed it without prejudice based on Mr. Chen’s failure to comply with
7 Local Rule of Bankruptcy Procedure 9027-1(e). Dkt. No. 10 at 2.

8 Judge Vaughan recommends that the Court deny Mr. Chen’s motion to enforce removal to
9 Bankruptcy Court because “a referral of this case to the Bankruptcy Court does not promote
10 judicial economy or otherwise assist with the efficient resolution of Plaintiff’s claims.” Dkt. No.
11 18 at 5. Judge Vaughan notes that Mr. Chen’s § 1983 and state law claims

12 fall outside 28 U.S.C. § 157(b)(2)(A)’s enumerated list of core proceedings, do not
13 stem from Plaintiff’s bankruptcy, and would not necessarily be resolved in the
14 claims allowance process. Thus, the Bankruptcy Court lacks authority to enter a
15 decision on the merits of Plaintiff’s claims and would need to submit its proposed
findings of fact and conclusions of law to the district court for review. 28 U.S.C.
§ 157(c)(1). As a result, a referral of this case to the Bankruptcy Court would result
in a duplication of judicial resources.

16 *Id.* at 4.

17 Judge Vaughan signed and issued the Report and Recommendation on July 14, 2022. *Id.*
18 at 6. She informed the parties that any objections to the Report and Recommendation had to be
19 filed “within fourteen (14) days of the date on which this Report and Recommendation is signed”
20 and that “[f]ailure to file objections within the specified time may affect your right to appeal.” *Id.*
21 No party filed objections. The Court reviews findings and recommendations “*if objection is made*,
22 but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).
23 No objections having been filed, the Court hereby orders as follows:

24 (1) Judge Vaughan’s Report and Recommendation is ADOPTED. Dkt. No. 18.

1 (2) Mr. Chen's motion to enforce removal to Bankruptcy Court is DENIED. Dkt. No. 15.

2 The Clerk is directed to send uncertified copies of this Order to Mr. Chen at his last known
3 address.

4 Dated this 11th day of October, 2022.

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Lauren King
7 United States District Judge
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